

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

THERESA M. ALBERT

Case No. 3:11-cv-085

Plaintiff,

Judge Thomas M. Rose

-v-

JANICE L. SHANNON, et al.,

Defendants.

**ENTRY AND ORDER GRANTING DEFENDANTS 48 HOURS TO
PROVIDE THE COURT WITH NAMES AND CURRENT HOME
ADDRESSES OF THE MEMBERS OF THE CONDITIONAL CLASS**

On February 1, 2012, the Court conditionally certified a class of plaintiffs in this action. (Doc. #10.) The Defendants were given fourteen days to provide the names and current home addresses of the members of the conditional class. (Id.) In response, the Defendants provided the name of “one additional person, who could possibly come within [the] definition” of the conditional class. (Doc. #12.) No names and addresses were otherwise provided as required by the Court, nor did the Defendants represent that there were no other names and addresses. (Id.)

Therefore, the Defendants are given 48 hours to provide the names and current home addresses of the members of the conditional class or certify to the Court that there are no additional conditional class members beyond Plaintiff Theresa M. Albert (“Albert”). Failure to do so may result in sanctions including default judgment.

The Defendants also assert that the eligibility for the conditional class should be measured from the date of filing of Albert’s Complaint. However, the determination of when an FLSA action is commenced for individuals who are not named plaintiffs is the date on which a

written consent is filed. 29 U.S.C. § 256. Thus, the statute of limitations for individuals who are not named plaintiffs begins to run either two (2) or three (3) years prior to if and when those conditional plaintiffs receiving notice file a written consent. *See Anglada v. Linens 'N Things, Inc.*, No. 06 Civ. 12901(CM)(LMS), 2007 WL 1552511 at n.5 (S.D.N.Y. Apr. 26, 2007).

DONE and **ORDERED** in Dayton, Ohio this Twenty-First Day of February, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record